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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/724,902	11/28/2000	Kenneth H. Abbott	294438002US1	7814

500 7590 06/01/2005

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC  
701 FIFTH AVE  
SUITE 6300  
SEATTLE, WA 98104-7092

EXAMINER
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VU, VIET DUY

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/724,902

Applicant(s)

ABBOTT ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-18, 20-29 and 36-94 is/are rejected.
- 7) ☒ Claim(s) 19 and 30-35 is/are objected to.
- 8) ☒ Claim(s) 1-7 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2154

1. The current title is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Applicant is also required to cancel the withdrawn claims 1-7 in the next correspondence.

**Art Rejections:**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 8-18, 20-29 and 36-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowler et al, U.S. pat. No. 6,714,977. .

Per claims 8, 17, 20-22, Fowler discloses a system and method for monitoring computer network comprising:

- a) in response to a periodical query from the system, receiving from first and second sources state attribute values of the modeled current states of the sources (see col 16, lines 52-64) or an indication of an inability to supply a value, e.g., off-line state (see fig. 17),
- b) after receiving a request from a client, supplying to the client the values for the attributes received from the first source and/or second source wherein an unknown attribute may become available and its value would be obtained at the next report (see col 19, lines 1-8 and col 20, lines 30-44).

Fowler does not explicitly show an example where values obtained from the first source and second sources can be reported together or individually to the client depending upon its availability at the time the sources were queried.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to realize such changing attribute values of various network components from periodic reports depending upon its availability at the query period. For instant, while a current report would show a network element having an off-line status, a next report could show its

Art Unit: 2154

operating attribute value if the network element becomes available for the next report.

Per claims 9-10 and 12-14, Fowler's report includes description information about the received value including time (see figure 17).

Per claim 11, Fowler teaches computing attribute values to predetermined accuracy level (see col 12, lines 30-32).

Per claim 15, it is noted that many environment parameters are computed as round off, averaged or mediated values (see cols 11-12).

Per claim 16, Fowler teaches comparing the received values against the list of thresholds before providing report to client (see col 16, lines 57-64).

Per claims 23-29, 40-50 and 52, Fowler's teachings encompass claim limitations.

Per claims 18, 36-39, 51 and 53, Fowler teaches verifying if client is authorized for receiving certain report (see col 18, lines 57-67).

Claims 54-94 are similar in scope as that of claims 8-18, 20-29 and 36-53 and hence are rejected for the same rationale set forth above for claims 8-18, 20-29 and 36-53. It is noted that Fowler's teaching is applicable to one or more clients.

Art Unit: 2154

**Allowable Subject Matter:**

5. Claims 19 and 30-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Conclusion:**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Thursday from 8:00am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



VIET D. VU  
PRIMARY EXAMINER

Art Unit 2154  
5/26/05